

REMARKS

In the Office action dated December 31, 2003, the examiner rejected claims 1-7 and 9-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,418,572 to Epple and Kuhn ("Epple et al."), and the examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Epple et al.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicant submits that the claims of the application contain elements that are not found in Epple et al. and, therefore, that the claims are not anticipated by Epple et al.

Claim 1 of the application contains as an element a lid *having a rear edge connected to the rear wall of a cover box*. Epple et al. discloses a lid, but there is no disclosure that the lid has a rear edge which connects to a rear wall. This difference distinguishes claim 1 from Epple et al. It might be argued that because the cover container disclosed in Epple et al. is a box, it inherently must have a rear wall and, further, because the lid is positioned over the box, it must be connected to the rear wall. This argument, however, disregards the fact that other structures could be used to support the lid disclosed in Epple et al., for example, the lid could be connected to the side walls of the cover box, or the lid could be supported by resting on brackets, or by being connected to brackets, or the lid could be connected to vertical members extending upward from the floor of the pool cover box. There is also no limitation shown in Epple et al. that the lid be *connected* to the rear wall; the lid could simply rest on top of the rear wall in a shallow indentation designed to incorporate it or the lid could rest against the rear wall without being connected to it.

Further, there is no limitation shown in Epple et al. that the lid be attached to the rear wall at the lid's rear edge; the lid could be connected to the rear wall, not at the lid's rear edge, but at another point, for example, on the underside of the lid. Thus, Epple et al. does not disclose a lid having a rear edge connected to the rear wall of a cover box, and, accordingly, claim 1 is not anticipated by Epple et al. Because claims 2-10 depend from claim 1, those claims contain the same element and, therefore, should be distinguishable as well.

Claim 11 also contains as an element a lid having a rear edge which is connected to the rear wall. Claims 12-14 depend from claim 11. Therefore, for the reasons discussed above, applicant submits that claims 11-14 are not anticipated by Epple et al.

Claim 1 of the application also contains as an element a lid edge support. The examiner concluded that the lid edge support is disclosed in Epple et al. as 22 in Figure 1. Applicant submits that 22 is a leading edge bar which carries the edge of the pool cover. See col. 3, line 26 to col. 4 line 16. The leading edge bar of Epple et al. is a separate element from the lid edge support claimed in the application. Although it may indirectly support the lid, the leading edge bar 22 of Epple et al. does not correspond to the lid edge support 46 of the application. Thus, Epple et al. does not disclose the lid edge support of claim 1, and, accordingly, claim 1 is not anticipated by Epple et al. Because claims 1-10 depend from claim 1, those claims contain the same element and, therefore, are also not anticipated by Epple et al.

Claims 24 and 25 contain the lid edge support as well, and for the same reasons discussed above, applicant submits that these claims are not anticipated by Epple et al.

Claim 2 of the application adds two elements to the lid edge support, namely, a base and a facia. "Base 43 is a part of lid edge support 46 which is *longitudinally* connected to facia 45, and base 43 *provides connective support to latching projections 47.*" Page 5, lines 7-12 (emphasis added). "Facia 45 has an upper portion and a lower portion. The upper portion of facia 45 is shaped in a convex manner and has a cross-sectional shape substantially similar to the cross-sectional shape of the portion of coping 48 to provide an aesthetically pleasing trimmed look to the swimming pool. . . . The lower portion of facia 45 is shaped to accommodate the shape of leading edge bar 22." Page 5, lines 13-19. The examiner concluded in the Office action that the base was disclosed in Epple et al. Applicant submits that the facia is disclosed (see 20 in Figures 1 and 5), but the base element is not. There is no element disclosed in Epple et al. that is longitudinally connected to the facia and which provides connective support to the latching projections. Instead, the facia in Epple et al. connects to the lid with a clip at its top end and a horizontal latching projection. Thus, the base element of claim 2 is not found in Epple et al. and, accordingly, claim 2 is not anticipated by Epple et al. Because claims 3 and 4 depend from claim 2, those claims contain the same base element and, therefore, are not anticipated by Epple et al.

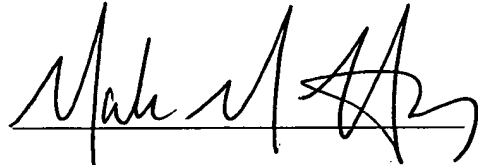
Claim 15 contains the same base element found in claim 2, and for the reasons discussed above, this claim is not anticipated by Epple et al. Because claims 16-23 depend from claim 15, those claims also contain the base element and are, therefore, also not anticipated by Epple et al.

For all of the above reasons, Applicant believes that the claims of the application are in a condition for allowance and requests the same.

The Commissioner is hereby authorized to charge the fees associated with the filing of this Response to Office Action to deposit account 501896.

Date: 06-27-03

Respectfully submitted,



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